

**RESOLUTION UNANIMOUSLY ADOPTED BY THE
JUDICIAL CONFERENCE OF THE UNITED STATES**

August 18, 2004

***To exempt the judiciary from a continuing resolution and to provide
full-year funding at least at the current services level contained in the
House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754)***

The Judicial Conference strongly urges Congress and the President to exempt the judicial branch from any fiscal year 2005 continuing resolution and to provide full-year funding at least at the current services level contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754). The judiciary requires certainty, and sufficient and timely funding to avoid compromising its core mission, the administration of justice. The American people must be assured that the United States courts are available to perform their constitutional and statutory duties.

In recent years, Congress has needed a continuing resolution at the prior year funding level while final details on appropriations bills were resolved. On occasion, this uncertainty, along with operating at the prior-year funding level while workload and costs increased, has jeopardized the judiciary's ability to deliver justice. Consequently, in fiscal year 1996, during a particularly contentious appropriations process involving a government shutdown, Congress provided an exemption to the continuing resolution and granted full-year funding to the judiciary and other "law enforcement agencies".

For fiscal year 2005, it is imperative that an exemption be provided by October 1, 2004. In fiscal year 2004, the judiciary has experienced dramatic staffing reductions that will grow in 2005 unless the judiciary receives increased funding at the start of the fiscal year. To stay within the constrained fiscal year 2004 budget, as of the end of June 2004, courts have fired 145 employees, provided buyouts/early outs to 268 employees, and have furloughed employees for a total of 745 days. To remain at the same funding level at the beginning of fiscal year 2005 would require the judiciary to begin unprecedented action: cutting operating expenses by 50 percent and either firing or furloughing 10 to 20 percent of all judiciary staff, the equivalent of 2,000 to 5,000 probation, pretrial services, and clerks' office employees. This action would be necessary due to the uncertainty of time and amount of a full-year appropriation.

Accordingly, the Judicial Conference of the United States resolves that Congress and the President be strongly urged to exempt the judicial branch from inclusion in any fiscal year 2005 continuing resolution that might be required and to provide full-year funding at least at the current services level contained in the House-passed version of the judiciary's 2005 appropriations bill (H.R. 4754).